

The Maria Miller imbroglio shows that the MPs expenses system is beset by complexity and political meddling

By Democratic Audit

*The Culture Secretary Maria Miller has resigned following a controversy over her expenses. She is the latest in a series of politicians to brought to heel over expenses since 2009, when the original scandal was triggered by the Daily Telegraph's investigations into exactly what MPs were claiming for. **Ben Worthy** argues that the Miller imbroglio illustrates that the system is currently beset by a difficult combination of complexity and political interference, and that an independent and simple alternative remains a distant prospect.*



The Former Culture Secretary, Maria Miller MP (Credit: Department for Culture, Media and Sport, CC BY ND 2.0)

Maria Miller's experience over the past few days has refocussed attention on the issue of MPs expenses. The conversation has now moved from allowances to discipline and punishment. But what does Miller's experience tell us about how the system actually works?

Since 2009, MPs' expenses have never really gone away. Following the scandal there has been a constant 'drip' of smaller scandals. In May 2011 [David Laws](#) left office only days into the Coalition over expenses irregularities and former Europe Minister [Denis MacShane](#) resigned in November 2012 (and was subsequently imprisoned). George Osborne's use of first class train travel kept expenses in the headlines in 2013 and now the Culture Secretary has resigned in 2014.

It is not only expenses 'casualties' that kept the issue in the headlines. The body created to regulate expenses, IPSA, has found itself in a state of low (and occasionally very high) intensity warfare with groups of MPs and government-the latest problems in 2013 over the proposed MP [pay rise](#) was the last in a long line of 'sticking points'.

Underneath the controversy, is the new system working? The post-2009 decision to more strictly regulate (and if necessary discipline) MPs was taken to ensure, of course, it never happens again. It consists of three parts. First, IPSA regulates expenses (with an officer reporting to the Parliamentary Commissioner Standards). Second, an [independent Standards Commissioner](#) (the PCS) investigates potential breaches of the Code of Conduct. Third, on receiving the report of the Commissioner, the [Committee on Standards](#) then looks into the issue and decides

on the penalty if any wrongdoing was found.

Different parts of the system have attracted criticism. The Miller scandal has led to criticism of the Committee on Standards from within and outside Parliament. The Committee is composed of MPs with 3 lay members, who can take part in debate but cannot vote (see the membership [here](#)). This procedure is in accordance with the needs of Parliament to 'govern itself' but, one critic argued, amounts to MPs 'marking their own homework'. In parallel, Government and some MPs have also attacked IPSA. Since its creation there has been a constant series of complaints about its decisions and hints from David Cameron that it could be [done away with](#).

Criticism does not necessarily equate to failure. The [head of IPSA](#) pointed out that 'Regulators are very rarely at the top of the Christmas card list of those they regulate'. In fact, the majority of the scandals that have emerged relate to pre-2010 activity, so it may be that the new system has led to some changed behaviour. Interviewees for this [project](#) on FOI and Parliament had mixed views as to the state of the 'post expenses' Parliament. MPs felt they had been forced to open up and adjust to the new culture and system, though officials felt that many had to be 'dragged' towards compliance. Nevertheless, all agreed it had improved.

The current system appears to face two interrelated problems, which may be less about how it works and more about how it is perceived. The first problem is that the system is complex. There are several bodies involved in deciding or offering a view as to what can be done in disciplinary situations. The danger is that the overlapping responsibilities means that one can overrule or disagree with one another, as happened in the case of Maria Miller. Perhaps more importantly, the complexity also makes it confusing to anyone looking from the outside. Confusion, in the public mind, is reasonably close to secrecy and lack of accountability. Exactly the sort of problems the new system was designed to stop.

The second problem is that scandals around expenses are often political, so 'politics' enters into an already complex set of arrangements. In the case of Miller, it seeped into the process at a number of points. Miller's expenses were investigated (according to the original story) by a tip off and then investigated following a complaint from a Labour MP. The recommendation by the PCS was overridden by the Committee, composed of fellow MPs. Miller was then kept in place (temporarily) because of David Cameron's decision to not let her go. Just to make the situation even tougher, the scandal and investigation took place within the wider controversy around press regulation, which Miller had been leading. Such a 'taint' of political interference could further undermine confidence in the system.

The difficulty is what could or should be done now. Since 2009 a whole range of reforms that touched upon 'regulating' or 'disciplining' MPs have been proposed, from independent scrutiny to recall, which has now reappeared on the agenda. The political will appears to be there and the options on the table range from strengthening the 'lay' influence on the Committee to abolishing it and creating something new. The difficulty will be finding consensus around on an option that can somehow combine simplicity with independence while preserving Parliament's historic rights.

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